

Kevin T. Lafky, OSB #852633  
[klafky@lafky.com](mailto:klafky@lafky.com)  
Amanda L. Reilly, OSB #194422  
[areilly@lafky.com](mailto:areilly@lafky.com)  
LAFKY & LAFKY  
429 Court Street NE  
Salem, OR 97301  
Tel: (503)585-2450  
Fax: (503)585-0205  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

KEVIN BRATCHER,

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;  
DEPUTY MICHAEL H. SMITH, in his  
individual capacity, and DOES 1-4, in their  
individual capacity,

Defendants.

Case No.: 3:20-cv-02056-SB

**DECLARATION OF COUNSEL  
AMANDA L. REILLY IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO  
COUNTY DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

I, Amanda L. Reilly, hereby declare under penalty of perjury that the following is true and correct:

1. I am one of the attorneys for plaintiff in the above-captioned matter. I make this declaration in support of Plaintiff's Response to County Defendants' Motion for Summary Judgment. I make this declaration based upon my own personal knowledge and my review of the files related to this matter.

2. In 2021, Thanksgiving fell on Thursday, November 25, 2021. The office of Lafky & Lafky was closed from November 25 through 28, 2021 to observe the federal holiday.

3. In 2021, Christmas fell on Friday, December 25, 2021. The office of Lafky & Lafky was closed from December 23, 2021 to December 26 to observe the federal holiday.

4. In 2022, New Year's Day fell on Saturday, January 1, 2021. The office of Lafky & Lafky was closed from January 2, 2022 to observe the federal holiday.

5. Plaintiff's counsel Marcus I. Vejar left the firm of Lafky & Lafky on December 8, 2021.

6. Plaintiff's counsel Kevin T. Lafky was out of the office from November 20, 2021 through November 28, 2021 and December 17, 2021 through January 3, 2022 to observe the holidays.

7. I was out of the office from November 24, 2021 through November 28, 2021 and December 22, 2021 through January 2, 2022 to observe the holidays.

8. Attached hereto as **Exhibit 1** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of plaintiff Kenneth Bratcher taken on September 30, 2021.

9. Attached hereto as **Exhibit 2** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of defendant Michael H. Smith taken on November 19, 2021.

10. Attached hereto as **Exhibit 3** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of Chas A. Galusha taken on November 19, 2021.

11. Attached hereto as **Exhibit 4** and incorporated herein by this reference is a true and correct copy of excerpts of the transcripts from the deposition of Jason W. Donner taken on November 19, 2021.

12. Attached hereto as **Exhibit 5** and incorporated herein by this reference is a true and correct copy of three pictures that plaintiff took of his left bicep on September 6, 2019 immediately following the allegations contained in his complaint.

13. Attached hereto as **Exhibit 6** and incorporated herein by this reference is a true and correct copy of video footage that plaintiff acquired from the Ring camera mounted on his front door, dated September 6, 2019 at 11:17:25 PDT.

**I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that it is made for use as evidence in a court of law and is subject to penalty of perjury.**

Respectfully submitted this 28th day of March, 2022.

/s/ Amanda L. Reilly

Amanda L. Reilly, OSB# 194422  
LAFKY & LAFKY

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 2022, I served the foregoing  
**DECLARATION OF COUNSEL AMANDA L. REILLY IN SUPPORT OF PLAINTIFF'S  
RESPONSE TO COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**, on  
the following party(ies) at the following address(es):

Jennifer M. Gaddis  
City of Salem Legal Department  
555 Liberty St. SE, Room 205  
Salem, OR 97301  
Telephone: (503) 588-6003  
Facsimile: (503) 361-2202  
Email: [jgaddis@cityofsalem.net](mailto:jgaddis@cityofsalem.net)  
*Attorney for City of Salem*

Kenneth S. Montoya  
Law Offices of Montoya, Hisel and Associates  
901 Capitol St. NE  
Salem, OR 97301  
Telephone: (503) 480-7252  
Fax: (503) 779-2716  
Email: [kenny@montoyahisellaw.com](mailto:kenny@montoyahisellaw.com)  
*Attorney for Defendant Polk County and  
Deputy Michael H. Smith*

- ☐ by **mailing** a true and correct copy thereof, certified by me as such, placed in a sealed envelope addressed as set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said day with postage prepaid;
- ☐ by causing a true and correct copy thereof to be **hand delivered** in sealed envelopes to said addresses on the date set forth above.
- ☐ by **faxing** a true and correct copy thereof to the fax numbers shown for said addresses on the date set forth above.
- ☐ by sending a full, true and correct copy thereof via **overnight mail** in a sealed, prepaid envelope, addressed to the attorneys as shown above on the date set forth above.
- ☒ by submitting said document via **electronic mail**, a copy thereof was served on the parties above.

Dated this 28<sup>th</sup> day of March, 2022.

/s/ Amanda L. Reilly

Amanda L. Reilly, OSB #194422